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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated : This the 5th day of June, 1998

BEFORE

THE HON'BLE MR. JUSTICE KUMAR RAJARATNAM

WRIT PETITION NOS.6940 & 6941 OF 1998

BETWEEN :

D.M. Suresh, major,
s/o D.V.Muniswamy,
aged about 40 years,
No.36, 7th cross,
6th Main, S.R.Nagar,
Bangalore-5600 27.

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PETITIONER in
W.P.6940/1998.

P.Vasudev, major,
s/o Pillanna, aged
about 39 years,
No.2, II Block, 25th
cross, Cubbonpet,
Bangalore-2.

PETITIONER in
W.P.6941/1998.

(By Sri B.Ramaswamy
Iyengar, Advocate)

AND

1. State by Department of
Co-operation, Multistoreyed
Buildings, Veedhana Veedhi,
Bangalore-560001.
2. The Deputy Registrar of
Co-operative Societies
Pampamahakavi Road,
Chamarajpet, Bangalore-
5600 18.
3. The Management, Mysore
Silk Cloth Merchants'
Co-operative Bank Ltd.,
Sanjeeva Naika Lane,
Avenue Road cross,
Bangalore-5600 02.

RESPONDENTS

(By Sri B.Veerappa HCGP for
R-1 & R-2; Sri P.G.C.Chengappa,
Adv., for R-3)

Both these Writ Petitions are filed under Articles 226 and 227 of the Constitution of India praying to quash Annexure-B dated 1.12.1997 and direct the respondents to pay the commission amount which was being paid prior to Revision of Rules and to direct the R-2 to dispose of the disputes raised expeditiously.

The petitions coming on for preliminary hearing in B-Group this day, this Court made the following :-

O R D E R

The writ petitions are taken up with the consent of parties.

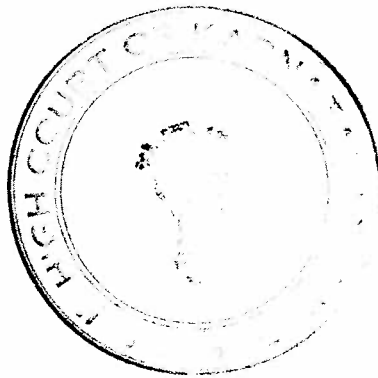
2. The petitioners seek quashing of the Rules framed under the Kamadhenu Deposit Rules which has been given effect to from 1.12.1997 at Annexure-B. By this Rule the commission of the petitioners was reduced from 3.5 to 3% below Rs.25,000/- of the collections of the pigmy deposit. The other prayer in the writ petitions was to direct the 2nd respondent to dispose of the disputes raised expeditiously.

3. The first prayer to quash the Rules cannot arise because it flows from contractual relations and if the petitioners are aggrieved

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the proper thing for the petitioners to do
is to take appropriate steps as they may
compelled to do, if necessary, by filing a
in accordance with law
civil suit. The petitioners have also raised
disputes under Section 70 of the Co-operative
Societies Act. There can be no objection
in directing the 2nd respondent to dispose
of the disputes in accordance with law as
expeditiously as possible. With this obser-
vation the writ petitions are disposed of.
No order as to costs.

Sd/-
JUDGE



SJ.